

2021R00693/APT/SD/ms

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. John Michael Vazquez, U.S.D.J.
v.	:	Crim. No. 22-2
ALLEN GILTMAN,	:	CONSENT JUDGMENT &
Defendant.	:	PRELIMINARY ORDER OF FORFEITURE <u>(FINAL AS TO THE DEFENDANT)</u>

WHEREAS, on or about January 5, 2022, defendant Allen Giltman (the “defendant”) pleaded guilty, pursuant to a plea agreement with the United States, to a two-count Information (the “Information”), which charged him with: (1) conspiracy to commit wire fraud, contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349 (Count One) and (2) conspiracy to commit securities fraud, contrary to 15 U.S.C. §§ 78j(b) and 78ff, and 17 C.F.R. § 240.10b-5, in violation of 18 U.S.C. § 371 (Count Two);

WHEREAS, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), a person convicted of offenses in violation of 18 U.S.C. § 1349 and 18 U.S.C. § 371 shall forfeit to the United States of America all of his right, title and interest in all property, real and personal, that constitutes or was derived, directly or indirectly, from proceeds the defendant obtained that are traceable to the commission of those offenses;

WHEREAS, in the plea agreement, the defendant agreed to forfeit to the United States all of his right, title, and interest in the following property listed

in Schedule A of this order, below, (collectively, the “Specific Property”), representing the property, real or personal, that constituted or was derived, directly or indirectly, from proceeds the defendant obtained traceable to the commission of the offenses to which the defendant has pleaded guilty;

WHEREAS, the defendant acknowledged and/or did not contest that the Specific Property is subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c) as property real and personal, that constitutes or was derived, directly or indirectly, from proceeds the defendant obtained traceable to the commission of the conspiracy offenses to which the defendant pleaded guilty;

WHEREAS, Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure provides that a preliminary order of forfeiture may become final at any time before sentencing if the defendant consents;

WHEREAS, the provisions of 21 U.S.C. § 853(n) (as incorporated by 28 U.S.C. § 2461(c)) require publication and notice to third parties known to have alleged an interest in forfeited specific property and the disposition of any petitions filed under 21 U.S.C. § 853(n) before the United States may have clear title to such property;

WHEREAS, defendant Allen Giltman:

- (1) Consents to forfeit to the United States the Specific Property;
- (2) Admits and/or does not contest that the Specific Property has the requisite nexus to the offenses charged in Count One and Count Two of the

Information and therefore is forfeitable to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c);

(3) Agrees that this Order is final as to the defendant at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure;

(4) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the government or the Court to complete the forfeiture and disposition of the Specific Property;

(5) Waives the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in his presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(6) Acknowledges that he understands that forfeiture of property will be part of the sentence imposed upon him in this case and waives any failure by the Court to advise him of this, pursuant to Rule 11(b)(1)(J) of the Federal Rules of Criminal Procedure, during the plea hearing;

(7) Waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the Specific Property; and

(8) Agrees that the forfeiture does not constitute an excessive fine or violate the Eighth Amendment; and

WHEREAS, good and sufficient cause having been shown, it is hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. As a result of the defendant's conviction of the conspiracy offenses charged in Counts One and Two of the Information, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c) and Rule 32.2(b)(1) and (b)(2) of the Federal Rules of Criminal Procedure, and based upon the plea agreement, all of the defendant's right, title, and interest in the Specific Property is hereby forfeited to the United States for disposition according to the law, subject to the provisions of 21 U.S.C. § 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final against the defendant, shall be made part of his sentence, and shall be included in the judgment of conviction therewith.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Marshals Service, its agent or designee shall maintain or take possession of the Specific Property and hold such property in its secure custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site www.forfeiture.gov. The United States shall also send notice of this Order to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

5. Pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(2) and (n)(3), the notice of forfeiture must

describe the Specific Property with reasonable particularity, state the times by which a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title, or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title, and interest in the Specific Property, and any additional facts supporting the petitioner's claim, and the relief sought.

6. Any person, other than the defendant, claiming interest in the Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site, or no later than 35 days from the mailing of direct notice, whichever is earlier, pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

7. Upon adjudication of all third party interests, the Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n)(7) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all interests will be addressed.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is

authorized to conduct any discovery needed to identify, locate, or dispose of the Specific Property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

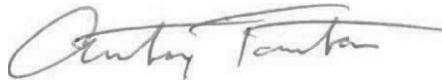
9. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this 23rd day of March , 2022.


HON. JOHN MICHAEL VAZQUEZ
United States District Judge

The undersigned hereby consent to the entry and form of this Order:

PHILIP R. SELLINGER
United States Attorney



Dated:

By: ANTHONY P. TORNTORE
Assistant United States Attorney



Dated: 3.22.22

NINA MARINO, ESQ.
JENNIFER LIESER, ESQ.
Attorneys for Defendant Allen Giltman



Dated: 3/22/22

ALLEN GILTMAN
Defendant

SCHEDULE A

- a. NECKLACE: [1] 18kt rose gold Bulgari Serpenti necklace; 16" or 17" long chain; (159) pave set round brilliant cut diamonds, 1.0 - 2.6mm, estimated 2.07 ctw., E/F, VVS-VS; Pear shaped rubellite stones set for eyes; Pendant 37.7 x 20.2mm; #MPR2PA; 21.4 grams;
- b. BRACELET: [1] 18kt yellow gold Van Cleef & Arpels Magic Alhambra bracelet set with (5) mother of pearl stones, 7.75" long with lobster clasp, #JE014546; 17.5 grams;
- c. RINGS: [3] 14kt rose gold pave diamond bands, set with (176) round single cut diamonds total for all three rings, estimated 0.70 ctw., H/I, SI Clarity; Sizes (2) 8.5, (1) 5; 4.0 grams;
- d. RING: [1] 14kt white gold diamond solitaire ring; (1) round brilliant cut diamond, apprx. 3.11 x 1.90mm, estimated 0.11 carat, G/VS2; Size 6.5; 1.6 grams;
- e. BRACELET: [1] 18kt yellow gold hinged diamond bangle bracelet with (250) round brilliant cut diamonds , 1.7mm, estimated 5.00 ctw., G/H, VS1-VS2; 8mm wide, 2.25" inside diameter; 25.0 grams;
- f. RING: [1] 18kt yellow gold Panthère de Cartier ring; Tsavorite garnet eyes and onyx set nose; Measuring 25 x 31mm, Size 9/60; HMB616; 25.6 grams;
- g. RINGS: [2] 14kt (Yellow and Rose) gold diamond rings set with (44-total for both rings) single cut diamonds, 1.4 - 1.5mm and (18-total for both rings) round brilliant cut diamonds, 2.7 - 2.8mm, estimated 2.02 ctw., I/J, I2-I3; Size 8; 7.6 grams total weight;
- h. EAR CUFF: [1] Sterling silver hinged ear cuff pave set with cubic zirconia stones, 12 x 17mm; 2.1 grams;
- i. RING: [1] 18kt white gold Bulgari Serpenti Viper diamond coil ring; (83) pave set round brilliant cut diamonds, 1.0 - 2.4mm, estimated 1.80 ctw., E/F, VVS-VS clarity; 8.5 grams;

- j. RING: [1] 18kt rose gold Bulgari Serpenti coil ring; (33) pave set round brilliant cut diamonds, 1.0 - 1.3mm , estimated 0.19 cttw., E/F, VVS-VS clarity; CW3Y7E; 17mm wide; 21.2 grams;
- k. RING: 18kt white gold diamond ring with (1) Round brilliant cut pink synthetic center stone, apprx. 7.86-7.87 x 4.74mm; (124) pave set round brilliant cut diamonds, 1.0-1.3mm, estimated 0.70 cttw., H/I, SI1-SI2 (2 diamonds missing); Size 7; 5.4 grams;
- l. RING: [1] Gold plated sterling silver open design ring with (2) fresh water pearls, 6.5 - 9.75mm; Size 8; 3.2 grams;
- m. RING [1] 18kt yellow gold double chevron design diamond ring set with (65) round full cut diamonds ranging apprx. 0.6 - 2.3mm, estimated 0.50 cttw., G-I , SI Clarity; Size 4/7.25; 4.4 grams;
- n. RINGS: [2] 18kt white gold square design bands; 2.45mm wide, Size 8.25; 6.4 grams;
- o. RING: [1] 14kt rose gold diamond ring with (96) pave set round full cut diamonds, 1.2-1.3mm, estimated 0.92 cttw., H-J, SI-I clarity; Size 7/8.25; 6.2 grams;
- p. RING: [1] 14kt white gold diamond ring set with (22) single cut diamonds, 1.4 - 1.5mm and (9) round brilliant cut diamonds, 2.7 - 2.8mm, estimated 1.01 cttw., I/J, I2-I3; Size 8; 3.9 grams;
- q. RING: [1] 18kt rose gold Cartier Love wedding band, 3.65mm, Size 59/8.75, #ZF5992, 3.8 grams; [1] 18kt yellow gold band with flower design motif, 4.90mm, Size 7; 4.7 grams;
- r. RING: [1] 18kt white gold Bulgari B.ZERO1 Rinbandg; Size 56/7.75; 4.95mm wide; 6.5 grams;
- s. RING: [1] 18kt white gold Van Cleef & Arpels "Lotus between the finger" diamond ring; Convertible/hinged; (127) round brilliant cut diamonds, 2.14 cttw., D-F, VVS; Size 56; #JB423700;26.3 grams;
- t. RING: [1] 18kt rose gold coil design ring; Flexible; 16mm wide; Apprx Size 8; 9.6 grams;
- u. PENDANT: [1] 18kt white gold pendant with (1) baroque fresh water pearl 16 x 19mm; set with pave round single cut diamonds, estimated 0.70 cttw., G/H, VS-SI Clarity (one stone is loose); 9.0 grams;

- v. NECKLACE: [1] 18kt yellow gold Van Cleef & Arpels Magic Alhambra long necklace set with white and gray mother of pearl and onyx; apprx. 47" long; Invisible clasp; #JE010076; 69.2 grams;
- w. NECKLACE: [1] 18kt white gold Van Cleef & Arpels chain necklace, 35.5" long with extension for adjustment, 1.15mm wide; 10.2 grams;
- x. NECKLACE: [1] Sterling silver necklace with (4) charm accents two of which are egg shape with rhinestone accents and two brass tone signed garber, 2.35mm wide x 36" long; 22.9 grams;
- y. NECKLACE: [1] 14kt yellow gold chain necklace, 0.50 mm wide x 18"; [1] 14kt rose gold pendant containing floating diamond melee, sapphire front and back; 15.65mm wide; 4.7 grams total weight;
- z. BRACELET: [1] 18kt rose gold bracelet with finger loop; diamond Fleur de Lis and accent set with (70) round full cut diamonds, estimated 0.70 cttw., F/G; VS-SI clarity, 7" long (adjustable); 4.5 grams;
- aa. NECKLACE & PENDANT: [1] 18kt white gold Van Cleef & Arpels chain necklace, 1.00mm wide x 16.5" long; [1] 18kt white gold Van Cleef & Arpels Magic Alhambra diamond pendant set with (45) round brilliant cut diamonds, estimated 2.45 cttw., E/F, VVS-VS; 36.75mm, #JA550911; 12.7 grams;
- bb. NECKLACE: [1] 18kt rose gold de Grisogono chain necklace, 2.50mm wide x 18" long (adjustable); [1] 18kt rose gold de Grisogono coiled diamond pendant with (30) round brilliant cut diamonds, apprx. 2.0 - 2.1mm, estimated 1.00 cttw, E/F, VVS-VS, 29.25mm x 23mm; #B95075; 23.3 grams;
- cc. WATCH: [1] Hublot Big Bang King all Black Ceramic automatic watch; Black numbered dial; Uni-directional bezel; 48mm case with Blue crocodile strap; Cal HUB21; #842288, Ref 322.CK.1140.RX;
- dd. WATCH: [1] Stainless steel Jaeger LeCoultre Master Compressor Dualmatic GMT automatic watch; Black dial with date at 3 o'clock; 41.5mm stainless case; Stainless bracelet with deployant clasp; Ref 146.8.02;
- ee. WATCH: [1] 18kt rose gold Cartier Ballon Bleu automatic watch; lacquered silvered guilloché opaline dial with steel blue hands; 18kt 42.1mm case; 18kt gold bracelet with deployant clasp; Ref W69006Z2; S/N 454638TX;

- ff. BRACELETS: [3] 10kt rose gold (tested) flexible bead bracelets, 2mm wide, 2" inside diameter; 3.1 grams;
- gg. NECKLACE: [1] 18kt yellow gold Van Cleef & Arpels vintage Alhambra diamond pendant necklace, 16.5" length; 1.50mm wide; 18kt Alhambra pendant set with (12) round brilliant cut diamonds, 0.48 ctw., E/F, VVS Clarity; #JB 270435; 7.8 grams;
- hh. BRACELET: [1] 18kt yellow gold Van Cleef & Arpels vintage Alhambra bracelet set with (5) malachite stones; 7" long; 2.0 - 14.75mm wide; #JE491225; 12.9 grams;
- ii. PIN: [1] Gold plate sterling silver Bee pin; 17.85 wide x 18.9mm tall; 2.5 grams;
- jj. PIN: [1] Gold plated sterling silver Butterfly pin accented with round colorless synthetic stones, 14.50mm tall x 20mm wide; 2.3 grams;
- kk. PIN: [1] Gold plated sterling silver Flower pin accented with round colorless synthetic stones, 19.75mm; 2.5 grams;
- ll. ACCESSORY: [1] Rose gold plated bracelet accessory screw driver; 2" long; 5.8 grams;
- mm. NECKLACE: [1] 14kt rose gold chain necklace, 1.00mm wide x 17/19" long (adjustable) with 14kt diamond set "JULIA", (55) pave set round full cut diamonds, estimated 0.28 ctw., H/I, SI clarity; 1" wide; 3.5 grams;
- nn. WATCH: [1] Stainless Steel Hublot Madre Perla Big Bang chronograph automatic watch; Mother of pearl dial with three sub-dials; Diamond bezel set with (114) round brilliant cut diamonds, estimated 1.35 ctw., E/F, VVS-VS clarity; 41mm case; Beige crocodile bracelet with push button deployant clasp; ref. 341.SG.600.LS.114; #871075;
- oo. WATCH: [1] 18kt rose gold Richard Mille RM-010 automatic watch; Skeletonized dial, Arabic numerals, Luminous accents and hands; 18kt rose gold tonneau-shaped case, 39mm wide x 48mm tall; Black rubber strap with 18kt rose gold and titanium deployant buckle; Cal. RMAS7; Model RM010 AG RG;
- pp. WATCH: [1] 18kt rose gold Audemars Piguet Royal Oak "Jumbo" extra-thin automatic watch; Blue dial with "Petite Tapisserie" pattern and rose gold hands and hour markers; 39mm case; 18kt bracelet with fold AP clasp; Ref# 15202OR.OO.1240OR.01, Cal. 2121-923859; Case No 0689-I 77082;

- qq. WATCH: [1] 18kt rose gold Rolex Sky Dweller automatic watch; Chocolate dial with rose gold arabic numbers; 18kt rose gold fluted bezel; 42mm case; Brown leather strap with 18kt rose gold buckle; Model 326235, S/N 2G15F852; Mvmt 9001; C666Q297;
- rr. WATCH: [1] Stainless steel Patek Philippe Nautilus automatic watch; White gradated dial with applied hour markers; 40.5mm case with sapphire back; Stainless steel bracelet with Nautilus fold over clasp; Movement Caliber # 324 S QA LU 24H/303, 5805099; #A384FBP;
- ss. EARRINGS: [1] Pair 18kt white gold Van Cleef & Arpels diamond Magic Alhambra earrings; (74) round brilliant cut diamonds, 1.5 - 3.0mm, 2.14 cttw., D-F,VVS; #JA778182; 13.2 grams;
- tt. EARRINGS: [1] Pair 18kt and sterling silver Lagos Caviar earrings set with (2) step cut amethyst stones, apprx 17.9 x 13 x 8.75mm estimated 27.00 cttw., (16) round faceted peridot side stones; 30.6 grams;
- uu. EARRINGS: [1] Pair 18kt white gold diamond geometric dangle earrings set with (258) round brilliant cut diamonds, apprx. 1.6-1.7mm, estimated 4.93 cttw., G/H, VS1-VS2; 3.5" long; 23.6 grams;
- vv. BRACELETS: [2] 14kt yellow and rose gold wire cuff bracelets with (52) pave set diamond each, estimated 0.50 cttw., H/I, SI1-I clarity, 6.7 grams; [10] Assorted 10-14kt rose and yellow gold bead bracelets, 2.0 - 5.25mm, flexible; 16.9 grams;
- ww. Miscellaneous electronic equipment: iphone, black in color; Macbook Air A 1369, Verizon Hot Spot 2; LG Android cell phone; Samsung Galaxy A01; Verizon Hot Spot 1; HP Laptop Computer, silver in color; Flash Drive; Silver HP Laptop; White iPhone S6; and Sim Card, AT&T packaging;
- xx. 1000 EUROS, converted to \$1,140.20 US currency from safe within residence;
- yy. \$100,704.00 in US currency seized from various rooms at 29 Umbria, Irvine CA;
- zz. Miscellaneous gift cards; and
- aaa. American Express Business Credit Card #3727 324999 44013.